

SELECTMEN'S MINUTES
July 18, 2008 – Special Town Meeting
Public Hearing on Budget & Warrant

MEMBERS PRESENT: Chairman Dennis Senibaldi, Bruce Breton, Galen Stearns, Roger Hohenberger and Charlie McMahon were present. Dana Call, Assistant Town Administrator-Finance was also in attendance. David Sullivan, Town Administrator, was excused. At 5:05 pm the Board of Selectmen opened the public hearing on the Special Town meeting budget and warrant with the Pledge of Allegiance. Mr. Senibaldi then read the public hearing notice into the record as follows:

LEGAL NOTICE

TOWN OF WINDHAM, NH

PUBLIC HEARING NOTICE

In accordance with RSA 32:5, the Board of Selectmen will hold a Public Hearing on the proposed Special Town Meeting Budget and Warrant on **Friday, July 18, 2008 at 5:00 pm** at the Planning and Development Department. The proposed budget is as follows:

Article 1 - \$1,250,000 for the purpose of engineering and constructing a new Town road over the general area of the former Londonbridge Road

Dated July 11, 2008

Mr. Stearns read the entire proposed warrant into the record. The Board made a minor correction to the opening language in the warrant. It was noted that although tonight's procedural hearing was required per Statute, the topic of constructing Londonbridge Road would be discussed at length at the layout hearing on July 21st, the bond public hearing on July 28th and the deliberative session on August 12th. The Board then addressed the proposed Special Warrant Articles as follows:

Article 1 – \$1,250,000 for the purpose of engineering and constructing a new Town road over the general area of the former Londonbridge Road (funding to come from bond issuance of \$1,250,000) – After discussion regarding the specific wording of the article, Mr. Breton motioned to move the article as written to the deliberative session and Mr. Hohenberger seconded. Passed unanimously. Mr. Breton then motioned to RECOMMEND the article and Mr. Hohenberger seconded. Passed unanimously.

Article 2 – for the purpose of authorizing the Town to convey to the Southeast Land Trust of NH a third party conservation easement over all or portions of parcels previously acquired by the Town on behalf of the Conservation Commission – After reading the article, the Board indicated that a comma should be placed after the words "New Hampshire" in the first line of the article. After some discussion regarding the purpose of the article and the fact that the Town was given an extension by the State until June 2009 to have the easement in place, Mr. Stearns motioned to REMOVE the article from the warrant and Mr. Hohenberger seconded. Passed 4-1 with Mr. McMahon opposed. Mr. McMahon indicated that his

opposition was based on his concerns that the State grant money, that has been awarded to the Town contingent on this article passing, may not be there if the article is delayed until next year. Based on this explanation, Mr. Breton motioned to reconsider the previous motion and Mr. McMahon seconded. Motion passed 3-2 with Mr. Stearns and Mr. Senibaldi opposed.

The Board had a lengthy discussion regarding some members' concerns regarding the specifics of the easement restrictions, the ability to negotiate the easement language, whether the easement needed to be with Southeast Land Trust of NH or another third party, the amount of acres covered by the easement, and the timing of the article as to whether it should be in this special town meeting or in a regular March town meeting warrant. Mr. Stearns indicated that he was opposed to this article altogether due to the fact that we would be giving away a town asset. Mr. Senibaldi had concerns that if the town ever wanted the land back, it would need to be purchased at current value. Also, Mr. Senibaldi had concerns that by putting this item on the warrant, and if it were to pass, he wasn't sure if the Board of Selectmen would have the authority to not pursue the easement if the Board was unable to negotiate the terms of the easement to the Board's satisfaction. Other Board members felt that the language of the article as written, which ends with "...shall be on terms and conditions acceptable to the Selectmen", gives the Board ultimate authority to elect not to move forward with the easement. Discussion ensued regarding the last time it was proposed to put conservation land into a third party easement, and Mr. Breton indicated that this time is different as it is specific to a wellhead protection grant and is only approximately 83 acres of land involved.

Mr. Hohenberger indicated he had similar concerns as Mr. Stearns and Mr. Senibaldi, but that he would like to try to obtain more information prior to the deliberative session to see if the town could move forward on this. The Board then asked Mrs. Call to arrange to have a presentation by representatives of the Southeast Land Trust of NH, prior to August 12th. Mrs. Call indicated that we have a draft of the proposed easement that can be distributed to the Board for their review.

Mrs. Barbara Coish asked the Board to provide further information regarding the exact location and acreage of the property involving the easement and noted concerns about the specific restrictions of use that would be involved. Mr. Breton indicated that this would all be worked out as the easement is negotiated and finalized with the Board.

Mr. Jack Gatinella asked the Board to go back to Article 1 and the language stating that "...any federal, state or private funds made available therefore shall be applied toward the cost of the project..." and would this include any type of funds or only those funds designated for the purpose of the warrant article. There was also a question as to whether the term "shall" or "may" should be used. Mr. McMahon indicated that he believes the language as drafted by Mr. Sullivan is based on statutory requirements and should not be changed. The Board agreed to confirm with Mr. Sullivan and make a change at the deliberative session if necessary.

Mr. McMahon then motioned to move Article 2, as amended, to the deliberative session and Mr. Breton seconded. Motion passed 3-2 with Mr. Stearns and Mr. Senibaldi opposed for reasons previously stated. Consensus of the Board was to not provide a recommendation on the article at this time.

Mr. Senibaldi reminded the residents that Monday's public hearing (July 21st) would begin at 6:00 pm at the top of the hill at the high school entrance.

It was noted that the Planning Department building would be open at 7:00 pm, the posted time of the regular Board of Selectmen's agenda, and that the layout public hearing would be recessed after the walk, allowing sufficient time for officials to get back to the Planning Department.

Mr. Breton motioned to adjourn at 5:45 pm and Mr. McMahon seconded. Passed unanimously.

Respectfully submitted,

Dana Call
Assistant Town Administrator-Finance

NOTE: These minutes are prepared in draft form and have not been submitted to the Board for approval.